

Members

Sen. Thomas Weatherwax, Chair
Sen. Kent Adams
Sen. James Lewis
Sen. Richard Young
Rep. Markt Lytle
Rep. Robert Bischoff
Rep. Richard Mangus
Rep. Phyllis Pond



NATURAL RESOURCES STUDY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Bernadette Bartlett, Fiscal Analyst for the
Committee
Steve Wenning, Attorney for the Committee

Authority: IC 2-5-5-1

MEETING MINUTES¹

Meeting Date: September 14, 2004
Meeting Time: 1:00 p.m.
Meeting Place: Culver Cove
Meeting City: Culver, IN 46511
Meeting Number: 2

Members Present: Sen. Thomas Weatherwax, Chair; Sen. Kent Adams; Sen. James Lewis; Rep. Markt Lytle; Rep. Robert Bischoff; Rep. Richard Mangus; Rep. Phyllis Pond.

Members Absent: Sen. Richard Young.

Call to Order. Sen. Thomas Weatherwax called the meeting to order. After introducing the committee, Sen. Weatherwax asked the Department of Natural Resources (DNR) to introduce topics of concern for the Department.

Issues Pertaining to Archeological Sites. Dr. Rick Jones, State Archeologist, provided an overview of the number of archeological sites in the state as well as the process used to preserve the sites and keep records. Indiana has 50,000 archeological sites. Many have been disturbed in the past. He also reviewed the Historic Preservation and Archeology Law. (See Exhibit I, p. 2.) The Federal Highway Administration and the Indiana Department of Transportation (INDOT) have a partnership to create a GIS database.

Rep. Matt Pierce proposed a “check before you dig” plan that would require individuals or businesses who dig to contact via one 800 telephone number the DNR and utilities before digging. He proposed maintaining information about all sites in a database with a GIS map. INDOT has \$90,000 to assist in the funding of finding and recording the sites. He proposed accessing work-study students to input data into a database, citing a memo of understanding or a noncode provision may be necessary among interested state entities. Furthermore, he proposed establishing penalties for violations of the law. Additionally, he suggested creating a non-reverting, dedicated fund to allow grants for assistance to homeowners that could be used to employ an archeologist to supervise the excavation of sites when they are discovered and to

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

purchase equipment or pay for lodging expenses. He noted that when landowners discover a site, the landowner must desist from further digging until the state approves continuation of the project. The time between the initial find and approval for continued digging can be extensive and is exacerbated by the fact that there is currently no funding for an archeologist to supervise the site. This time lapse could discourage landowners from reporting discoveries. Further discussion suggested that the open records law may also need to be adjusted to give DNR some flexibility if an archeologic find is discovered.

Bob McCullah, IUPUI-Ft. Wayne, supported the GIS project, noting that Indiana still has paper records whereas Kentucky is on-line. The result is hours of research versus seconds. He concluded that the DNR needs a full-time staff member to manage the database. Melody Pope and George Mankowski, Glenn A. Black Lab of Archeology, Indiana University, Bloomington, also supported the GIS database record enhancement.

Personal Flotation Devices and Personal Watercraft Passenger Limits. Jeff Wells, Director, DNR Division of Law Enforcement, discussed boater safety concerns, supporting mandatory wearing of life jackets for children 12 and under as well as certain passenger limits on watercraft. (See Exhibit I, pp. 3-7. For language, see Exhibits II and III.)

Taxable Marine Facilities. The DNR proposed a clarification in the law pertaining to “taxable marine facilities”. (See Exhibit I, p. 8. For proposed language, see Exhibit IV.)

Automated Licensing System Clean-up Language. The DNR proposed language for the automated licensing system that would provide that the expiration date would be at the end of March. (See Exhibit I, p. 9. For proposed language, see Exhibit V and VI.)

Groundhog Exemption. Glenn Lange, DNR, proposed repealing the groundhog exemption. By law the groundhog is not a wild animal. Poachers can claim to be hunting groundhogs. Allowing the DNR to regulate would allow the DNR to use DNR funding and take action in case of disease. (See Exhibit I, p. 10. For language, see Exhibit VII.)

Lake Management Workgroup Legislative Recommendations. John Goss, DNR Director, provided an overview of the recommendations of the Lakes Management Work Group (LMWG). The DNR is adopting rules concerning piers. Jim Rae, Chief, DNR Land and Water Conservation, provided an overview of the damage that seawalls can cause as well as proposed changes to statutes regarding seawalls. (See Exhibit I, pp. 11-37, and Exhibits VIII, IX, X, XI, XII. For language, see Exhibit IV.) Pete Hippensteel, David Tyler, Tina Hissong, and Ralph Taylor, LMWG members, discussed problems with funneling and the management of shorelines. Mr. Hippensteel suggested a three-prong approach with state statute and rule followed by local zoning. Mr. Tyler noted that the shorelines are over-utilized and that the focus should be on helping the DNR develop rules that are reasonable and fair. Ms. Hissong suggested defining the term “pier”. Mr. Taylor suggested having compliance when property changes ownership to be the buyer’s responsibility. Pete Trone, Chair of the Culver Board of Zoning Appeals, suggested that the DNR notify local governments of permit or license hearings. Nat Noland, Glenn Air Association President, encouraged efforts to prevent additional funneling on Lake James. He questioned whether a rule would have enough statutory authority and asked for some consideration for practices that are already in place. Nelson Becker, a concerned citizen, encouraged grandfather provisions for existing facilities.

Adjournment. The committee adjourned at 4:00 p.m.